

## RESOLUTION

### ARCHAEOLOGICAL POLICY

- WHEREAS, the task of revising the archaeological policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, the committee, in drafting the proposed policy, used the 1997 Comprehensive Plan and "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County" for guidance; and
- WHEREAS, after meeting several weeks to discuss this topic, the Zoning Ordinance update committee responsible for developing this item recommends the following policy; and
- WHEREAS, on June 25, 1998, the site committee of the James City County Historical Commission endorsed the following policy; and
- WHEREAS, on August 3, 1998, the Planning Commission endorsed the policy by a vote of 4-0, with three absences.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend the following condition be added to all special use permit and rezoning cases. In making a final determination of when studies may be required, staff will consult existing archaeological studies and will seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.

*A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's*

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*Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

I. In interpreting this condition, the following procedures and guidelines will be followed

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualification set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*
3. *If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for*

*inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. The study will be reviewed as outlined in Guideline No. 1.*

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
  5. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. The study will be reviewed as outlined in Guideline No. 1.
  6. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.
- II. In Implementing and updating this condition, the following procedures and guidelines will be followed:
1. The policy and archaeological assessment shall be updated and revised as appropriate in advance of the Comprehensive Plan update to keep the documents current with new findings, professional archaeological standards and practices, and Virginia Department of historical Resources (VDHR) policy.
  2. The following note shall be included on all future revisions of the Comprehensive Plan Land Use Map:  
  
"Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area. Please refer to the text of the Comprehensive Plan for further information."
  3. Maps indicating the general extent of high- and moderate-sensitivity areas shall be included within the text of the Comprehensive Plan with appropriate cross-

references to documents such as the James City County Archaeological Assessment.

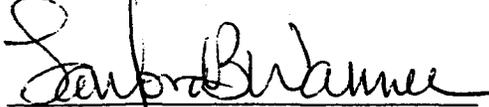
4. Upon nomination of a developer engaging in successful archaeological preservation, the Board of Supervisors shall consider the issuance of a resolution of appreciation.
5. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional archaeologist and the Director of Planning.
6. A developer may advertise on-site preservation efforts through promotional videos to be shown on the County's cable channel.
7. To the greatest extent possible, the County shall make display areas available in public areas of all County-owned and operated buildings.
8. Any developer who completes a Phase II study shall make available a portion of the artifacts for display in public buildings.



Jack D. Edwards  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:



Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

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